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ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,
Plaintiff

v.

COMMONWEALTH OF PENNSYLVANIA,
NINTH JUDICIAL DISTRICT,
CUMBERLAND COUNTY,

and

CUMBERLAND COUNTY

and

S. GARETH GRAHAM, individually

and

JOSEPH OSENKARSKI, individually,
Defendants

CIVIL ACTION
NO: 1:CV 01-0725

FILED
HARRISBURG, PA

NOV 16 2001

MARY E. D'ANDREA, CLERK
Per MD
Deputy Clerk

JURY TRIAL DEMANDED

Judge Yvette Kane

**PLAINTIFF'S STATEMENT OF MATERIAL FACTS IN
OPPOSITION TO COURT DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT**

Plaintiff Barbara E. Varner responds to the Statement of Material Facts submitted by
the Court Defendant as follows:

1. - 3. ADMITTED.

4. It is ADMITTED that Plaintiff spoke by telephone with Joanne Hetzel, a
representative of the PHRC, which conversation was memorialized in a letter addressed to
Plaintiff and dated June 16, 1997. It is further ADMITTED that the statement accurately

quotes the letter. It is DENIED that June 16, 1997 is "more than a year and a half before filing her charge against Court Defendant." To the contrary, as indicated in the statements below, Plaintiff does not agree that she failed to file a charge against the Court Defendant for more than a year and a half after the June 16, 1997 conversation.

5. It is ADMITTED that Exhibit E to Court Defendant's motion shows a docketed charge against Cumberland County dated 8/24/98. It is DENIED that this date is the date on which the Plaintiff "filed a charge" against Cumberland County. It is further DENIED that no charge against the Court Defendant was "filed until January 7, 1999." To the contrary, as indicated in the statements below, Plaintiff's actions establish the filing of a charge against both defendants much earlier.

In support of Varner's opposition to the Court Defendant's motion for summary judgment, the relevant portions of the EEOC record evidence the following facts:

P1. After the PHRC referred Varner to the EEOC by letter dated June 16, 1997 (Exhibit D to Court Defendant's motion), the EEOC served Notice of Charge of Discrimination on Mr. Dan Hartnett, Personal and H.R. Director of Cumberland County, on November 3, 1998. In this Notice of Charge of Discrimination under "circumstances of alleged violation", a handwritten entry appears: "Note: original correspondence received by EEOC on 6/18/97 to establish timely receipt for EEOC to process." (Exhibit 1).

P2. On July 11, 1997, Joan D. Gmitter, Charge Receipt Supervisor, wrote to Plaintiff referencing Varner's correspondence dated June 18, 1997 and enclosed questionnaires on Charge Information, Harassment, Sexual Harassment, Witness, and Remedy requesting

return of the completed questionnaires within "33 days from the date of the letter." This letter notified Varner: "Upon our receipt of the completed questionnaire(s), we will analyze the information to determine whether or not your charge should be docketed by EEOC. You will be informed as to the decision in this matter and, if appropriate, what additional steps must be taken in order for EEOC to complete this process." (Exhibit 2).

P3. Varner completed these questionnaires, signed and dated them on July 21, 1997. The questionnaires included the statement: "I declare under penalty of perjury that I have read the above statements and that they are true and correct." Varner stated that the type of harm was "Harassment/Discrimination by President Judge Sheely." It also contains the statement: "Recommendation was totally dismissed by judge because of past friendship with Mr. Graham and his wife (who is a court stenographer and previously stenographer for this judge). The judge told me the men have always been 'asshole' buddies and Mr. Graham is acting like his 'old man.'" (Exhibit 3, see especially Bates numbers 910062 and 910071).

P4. Included among the EEOC files is a PHRC General Questionnaire dated May 13, 1997, signed by Varner with the statement "I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 PA.C.S. Section 4904, relating to unsworn falsification to authorities." Under "Name of Organization your complaint is against" Varner wrote: "Cumberland County Juvenile Probation." (Exhibit 4).

P5. On September 4, 1997, Joan D. Gmitter wrote to Barbara Varner acknowledging receipt of the completed questionnaires and advising her that a representative "will analyze the information in your questionnaire(s) and previous correspondence to

determine whether your charge should be docketed by EEOC. You will be informed of the decision in this matter." The letter went on to state that if it is determined "that your charge is eligible for docketing, we will prepare a draft charge on an EEOC Charge Form and send that form to you However, because of the volume of correspondence received by this office, there may be a delay before you are contacted." (Exhibit 5).

P6. Based on the Case Log for charge number 170981689, a charge was not drafted until July 15, 1998 and mailed to the Plaintiff on July 16, 1998. (Exhibit E to Court Defendant's motion).

P7. The handwritten Case Log which corresponds to charge number 170990490, naming the Court Defendant as Respondent, has a handwritten notation: "this is a replacement charge for 170981689, which was docketed vs incorrect R + has been dismissed for LJ." (Exhibit C to Court Defendant's motion).

P8. By letter dated November 3, 1998 the EEOC acknowledged charge number 170981689 against Cumberland County and told Varner that she "need do nothing further at this time." (Exhibit 6).

P9. Charge number 180981689 contains allegations of retaliation by President Judge Sheely and President Judge George Hoffer. (Exhibit 7, Bates No. 910183).

P10. Charge 170981689 and Charge 170990490 are virtually identical. (Compare Exhibit A to Court Defendant's motion with Exhibit 7).

P11. By letter dated November 20, 2000, District Director Marie M. Tomasso sent

Varner and counsel a "Notice of Conciliation Failure". The caption lists charge number 170981689 and the Respondent as "Cumberland County Probation Dept." (Exhibit 8).

Respectfully submitted,



Debra K. Wallet, Esquire
24 N. 32nd Street
Camp Hill, PA 17011
(717) 737-1300
I.D. #23989

Exh 1

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Mr. Dan Hartnett
Personnel & H. R. Director
Cumberland County
One Courthouse Square, 3rd Flr
Carlisle, PA 17013

F N FILING CHARGE

Varner, Barbara E

THIS PERSON (check one)

☒ CLAIMS TO BE AGGRIEVED☐ IS FILING ON BEHALF OF ANOTHER

DATE OF ALLEGED VIOLATION

Earliest 11/20/96

Most Recent

~~05/26/98~~

05/26/98

PLACE OF ALLEGED VIOLATION

Carlisle, PA

CHARGE NUMBER

170981689

NOTICE OF CHARGE OF DISCRIMINATION

(See EEOC "Rules and Regulations" before completing this Form)

You are hereby notified that a charge of employment discrimination has been filed against your organization under:

☒ TITLE VII OF THE CIVIL RIGHTS ACT OF 1964☒ THE AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967☐ THE AMERICANS WITH DISABILITIES ACT☐ THE EQUAL PAY ACT (29 U.S.C. SECT. 206(d)) investigation will be conducted concurrently with our investigation of this charge.

The boxes checked below apply to your organization:

1. ☒ No action is required on your part at this time.

2. ☒ Please submit by 12/14/98 a statement of your position with respect to the allegation(s) contained in this charge, with copies of any supporting documentation. This material will be made a part of the file and will be considered at the time that we investigate this charge. Your prompt response to this request will make it easier to conduct and conclude our investigation of this charge.

3. ☒ Please respond fully by 12/14/98 to the attached request for information which pertains to the allegations contained in this charge. Such information will be made a part of the file and will be considered by the Commission during the course of its investigation of the charge.

For further inquiry on this matter, please use the charge number shown above. Your position statement, your response to our request for information, or any inquiry you may have should be directed to:

Philadelphia District Office
The Bourse, Suite 400
21 S. Fifth Street
Philadelphia, PA 19106-2515

Alfred L. Harris, Manager
(Commission Representative)

(215) 451-5800

(Telephone Number)

☒ Enclosure: Copy of Charge

BASIS OF DISCRIMINATION

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NAT. ORIGIN ☒ AGE ☐ DISABILITY ☐ RETALIATION ☐ OTHER

CIRCUMSTANCES OF ALLEGED VIOLATION

See enclosed Form 5, Charge of Discrimination. Note: Original correspondence received by EEOC on 6/18/97 to establish timely receipt for EEOC to process.

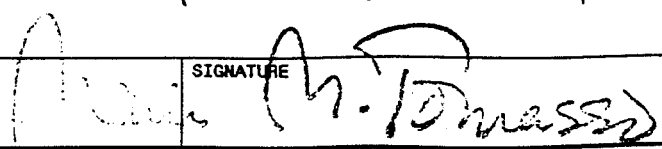
DATE

11/3/98

TYPED NAME/TITLE OF AUTHORIZED EEOC OFFICIAL

Marie M. Tomasso

SIGNATURE





U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Philadelphia District Office

Exh 2

The Bourse, Suite 400
21 S. Fifth Street
Philadelphia, PA 19106-2515
PH: (215) 451-5800
TDD: (215) 451-5814
FAX: (215) 451-5804/5767

July 11, 1997

Our Reference: Varner vs Cumberland County

Ms. Barbara E. Varner
5 Maple Drive
Etters, Pa 17319

Dear Ms. Varner:

Your above-referenced correspondence dated June 18, 1997 has been received by this office of the U.S. Equal Employment Opportunity Commission (EEOC). EEOC enforces laws related to employment discrimination based on race, sex, color, religion, national origin, age (40 and over) and disability. The information you have provided indicates that the matter you complain of may be covered by the laws administered by EEOC. However, before we can actually docket your charge and begin the EEOC investigation, we must first obtain additional information from you.

In order to assist this office in obtaining that information, I have enclosed the following questionnaire(s):

Charge Information
Harassment
Sexual Harassment
Witness
Remedy

Please complete and return all questionnaires to this office. Answer all the questions to the best of your ability and attach extra pages if necessary.

Upon our receipt of the completed questionnaire(s), we will analyze the information to determine whether or not your charge should be docketed by EEOC. You will be informed as to the decision in this matter and, if appropriate, what additional steps must be taken in order for EEOC to complete this process.

Please note that if you fail to return the completed questionnaire(s) to this office within 33 days from the date of this letter or fail to contact this office within that same 33-day period if there is need for further clarification, the EEOC will take no further action regarding your complaint. In that event, there will be no EEOC investigation and you will also have lost your federal private suit rights related to the laws administered by EEOC.

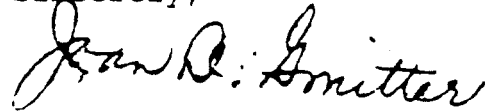
Your correspondence will be assigned to an EEOC representative for completion of the intake processing once you have returned the

910059

completed questionnaire(s). If there are any questions in this matter, please call the undersigned at (215) 451-5803.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script, reading "Joan D. Gmitter".

Joan D. Gmitter
Charge Receipt Supervisor

Enclosures
Questionnaire(s)

910060

Exh 3

Please immediately complete the entire form, including any attachments, questionnaires, and return the entire document to the U. S. Equal Employment Opportunity Commission ("EEOC"). Answer all questions as completely as possible. REMEMBER, a charge of employment discrimination must be filed within the time limits imposed by law, generally within 300 days of the alleged discrimination.

PERSONAL BACKGROUND INFORMATION:

Name: Mr./Ms. Barbara E. Varner

Address: 5 Maple Drive
Etters, Pa 17319

Phone Number: (day) (717) 240-6524 (night) (717) 938-9858

Date of Birth: 1/13/49 Soc. Sec. #: 167-40-2014 Race: W.

RESPONDENT INFORMATION (Employer, union, employment agency against whom the charge is being filed)

Respondent Name Cumberland County

Address (If employer, the location where you actually worked or sought employment - If you worked out of your home, state that, and give the full address of the company home office or headquarters; if union or employment agency, the address where you conducted business)

1 Courthouse Square

City/State/Zip Code Carlisle Pa 17013 /County Cumberland

Approximate total number of employees 1,048

Type of business County Court House

DATE OF HARM (last date any harm which you consider discriminatory happened): Friday July 11, 1997

TYPE OF HARM (the kind of discrimination that happened to you, for example, discharge, denial of hire, harassment):

Harassment / Discrimination by President Judge Sheely

5/96

910062

BASIS Check the basis for your complaint (the reason you believe the action was taken against you).

() race () color () religion (X) sex
() national origin (X) age () disability () retaliation

Identify yourself in terms of the basis or bases you checked, for example, "I am black" or "I am a disabled person."

I am a female, age 48 who has been harassed and discriminated against in my employment with Cumberland County

If you checked "retaliation," have you ever previously filed a charge with EEOC or another civil rights agency or complained to your employer about discrimination? () yes () no

If yes, please explain: _____

If none of the above bases applies, describe the reason you believe the action was taken against you: _____

*Note - The last action was taken against me because I filed a complaint against my supervisor who is (as the judge said) a long time friend of his who has a family. He also told me he has been at my (male) supervisor's home for picnics (political). I was alleged to have caused upset in their home because of my complaint. The judge accused me of having an affair with my supervisor (not true). He stated (warned) me I would have to swear under oath if I took this complaint any further. The judge totally ignored the recommendations of the county solicitor stating that my supervisor is acting just like his "old man" did.

Bubara E. Vanner
Signature

7/21/97
Date

INFORMATION QUESTION (p.3)

CONTACT PERSON: Please provide the name of an individual at a different address who is in the local area and who would know how to reach you.

Name Richard Spidle Relationship Son
 Address 211 E. Portland ST.
 City Mechanicsburg State Pa Zip Code 17055
 Area Code/Telephone Number 717-795-1877

ADDITIONAL INFORMATION

1. Choose one of the following:
- a) ☒ I want to file a charge.
 - b) ☐ I DO NOT WANT to file a charge at this time.
 - c) ☐ I want to speak with an EEOC Representative before this is filed as a charge.

I can be contacted at (area code/telephone number) 717-240-6524. The best days and times to contact me are 8-3:00 M-F.

2. Indicate which of the following applies:
- a) ☐ I have not filed a charge with any other agency concerning these same matters.
 - b) ☒ I have filed a charge with the agency/agencies named below concerning these same matters:
 Name of Agency Human Relations Commission
 Date Filed May 19, 1997
 Agency docket number could not handle because of court employment **see att*
 - c) ☐ I am scheduled for an interview with the agency named below:
 Name of Agency _____
 Date of Scheduled Interview: _____
 Location of Interview _____
 Name of Interviewer _____
 - d) ☐ I have received a Questionnaire to be completed from the agency named below:
 Name of Agency _____
 - e) ☐ I mailed the Questionnaire back to the agency named above on or about: _____

b) Cumberland County Personnel Director - Dan Hartnett
 Complaint began 4/8/97.

Chairperson
ROBERT JOHNSON SMITH
Vice-Chairperson
RAQUEL OTERO de YIENGST
Secretary
GREGORY J. CELIA, JR.
Executive Director
HOMER C. FLOYD
Regional Director
KAABA BRUNSON



COMMONWEALTH OF PENNSYLVANIA
HUMAN RELATIONS COMMISSION

Harrisburg Regional Office
Uptown Shopping Plaza
2971-E North Seventh Street
Harrisburg, PA 17110-2123
(717) 787-9780 (Voice)
(717) 787-7279 (TT)

COMMISSIONERS
JOSEPH J. BORGIA
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RUSSELL S. HOWELL
ELIZABETH C. UMSTATTD
SYLVIA A. WATERS
DANIEL D. YUN

Writer's Direct Dial:

June 16, 1997

Barbara E. Varner
5 Maple Drive
Etters, PA 17319

Dear Ms. Varner:

This will confirm our telephone conversation of June 16, 1997 where we discussed your filing a complaint against Cumberland County Juvenile Probation. As a Juvenile Probation Officer, you are an Officer of the Court and enforce the decisions of the Cumberland County Court of Common Pleas under the direction of President Judge Sheely.

As I explained, we do not have jurisdiction over the employees of the various court systems of Pennsylvania due to a court ruling. I suggested you should contact the EEOC and provided their address and telephone number. You do plan to contact them.

Per your request, I am returning your questionnaires and letter that you initially sent to the Commission. The Commission has retained the originals and I am sending you copies of them. I hope this is satisfactory.

I am sorry for any inconvenience the delay in stating our lack of jurisdiction has caused you.

Sincerely,

A handwritten signature in cursive script that reads "Joanne Hetzel".

Joanne Hetzel
Human Relations Representative

910065

HARASSMENT QUESTIONNAIRE

Provide specific examples of all alleged verbal and/or physical harassment. Be as exact as you can be in describing each act of harassment (e.g., the exact words that were said and/or the exact nature of any physical harassment). If more space is needed for any response, please use additional pages.

1. For each act of alleged harassment, indicate the following:

a) Detailed description of the harassment, including dates:

Mr. Graham has stated to me that he has no plan to hire anymore middle aged people or women (I am a 48 yr old female). He has stated that all divorced women are angry at men (I am a divorced - remarried woman).

Mr. Graham has stated to me that my seniority and promotion possibilities are not based on seniority alone - There are other things to be considered working at me interpreted by me to mean sexual innuendos. Several times Mr. Graham has stated that I need to satisfy the Community, the victim and... hesitating smiling suggestively in my direction leaving an unanswered question when he discussed the three areas of the Juvenile probation balanced approach.

b) Name and title of person(s) doing the harassment and the working relationship of each person to you (e.g., immediate supervisor, co-worker):

S. Gareth Graham Supervisor - previously (before Sept. 1996) Mr. Graham was a probation officer II in charge of Training and mentoring to me as a new employee.

Joseph Ozenkarski Chief Juvenile Probation Officer

Use this form to continue the answer or response to any of the 1 items. Indicate the item number.

11/20/96
Mr. Graham has harassed me regarding a female juvenile on my island. The girl had suicidal problems related to PMS. When I noted this medical condition in his social history, Mr. Graham responded "Jesus Christ, do I need to get a Peter Peter in my office." Mr. Graham said this statement in front of a male coworker.

2/19/96
Mr. Graham has harassed me and a female coworker in regard to our activities following a commitment trip for a juvenile. Mr. Graham called us both liars and questioned where we were on our trip checking the odometer reading on the county car. He also took 1 hour of overtime from both of us. This followed a full explanation

by both of us regarding foggy conditions and an accident we avoided by taking an auxiliary route. Mr. Graham later screamed at me on two occasions that all juvenile commitment trips begin at 8:00 AM (policy never established before nor enforced on any male PO's) I have observed numerous male PO's leaving for trips throughout the day. This is not an issue when either I or the other female PO take trips with male PO's.

Mr. Graham has screamed at me numerous times while I was seated at my desk in my individual office. He has physically moved towards me in an aggressive manner with his finger pointed in my face as he approaches. Mr. Graham has wadded a piece of paper from a file and threw it angrily at my desk in front of me. He has been angry to the point of moving personal pictures around on my desk with his face red and veins protruding in his neck.

2/14/96
Mr. Graham and Mr. Orentkauskis have stated they "Punish" people who don't comply with them or who have fallen out of favor with them. This can include adding cases disproportionate making degrading comments, keeping private files on them and instructing us not to talk to another female PO who previously brought sexual

harassment charges against Mr Ozenkarski. The charge at that time was Mr Ozenkarski (along with Mr Graham) has called females in the office the "Cunt Club".

4/2/97 I have been harassed and admonished by Mr Graham for taking issues to Mr Ozenkarski, the Chrt when Mr Graham refused to discuss an issue and told me to get out of his office. I was following the chain of command in an effort to resolve the issue. Mr Ozenkarski's response was to state that Mr. Graham is in charge and he does not want involved. Mr Ozenkarski has washed his hands of all responsibilities as Chrt stating he has put his "Fucking 35 yrs in and Mr Graham is in charge".

12/12/96 Mr Graham has told me explicit stories regarding sexual problems with his wife. He has explained how she masturbates beside him at night, but refuses him sex. He stated he wakes up and finds the bed shaking and pulls her hand out of her panties and finds it all "wet". When I told him several times I did not want to hear about this and suggested couples counseling, he responded by accelerating his vehicle to over 95 mph screaming he has no problem. I have been told if I can't take any of the talk, I should go back to social work. Mr Graham has harassed me regarding office

~~procedures~~ Procedures followed by other male PO's are not acceptable when I follow the same procedure. This has been verified by a male PO who has commented "we can do it this way, but Mr. Graham will not allow you to do it this way". I have also been harassed by Mr. Graham for revealing information regarding his and Mr. Ozenkarski's out of the office questionable activities using county equipment or representing themselves as PO's of authority to get products and services.

4/14/97 Mr. Graham has harassed me by stating loudly in the public office that I have no "Fucking sense, no fucking training, and no fucking ability". This could be heard by the entire office and public. This ranting continued for approximately 10 minutes.

3/95 Mr. Graham has left me know his sexual intentions covertly since my employment began. Mr. Graham patted my behind during training at the local prison. Mr. Graham has given me 1/18/96 an inappropriate birthday card. Mr. Graham has checked my personal calendar, found out when my husband was out of town and, came to my home screaming my name from the back of my yard. I told him my husband was home

910069

2. If you were subjected to unwanted harassment, was your employment status in any way threatened if you did not go along with the harassment? For example, did the harasser tell you that you would be discharged, would receive a lower evaluation, would not receive a pay raise or promotion? If your answer is yes, provide specifics about what was told to you

Mr Graham stated that he would write me up take me to the Chief and Judge after I told him I was offended by his sexual and angry comments. I was told by Mr Graham that promotions are based on more than seniority (sexually interpreted) and that I need to satisfy (winking in my direction) the community the victim and interpreted to mean him Mr Graham and Mr Osenkowski arbitrarily moved me lower on our seniority list (against the judge's order) after the Probation Dept split into Juvenile and Adult. Mr Graham said if I don't like it, make my case with the Judge - I did - nothing changed. This affects promotions.

3. Did you inform the person doing the harassment that you objected to what was said or being done? If yes, what did you say? What was the response, if any?

I told Mr Graham I was offended by his comments of sexual favors for promotions which enraged him. He increased the angry yelling comment and said he would write me up take me to the Chief and Judge. When I told him I didn't want to hear specific sexual details of his personal life recommended counseling he sped up to 95 mph screaming he has no problem. He also left me know that he destroyed items at home to punish his wife. (I took this as a warning). The two men have always bragged about punishment. The Sheriff of our county agrees that Mr Graham would retaliate against me if major charges were made against him such as firing.

4. Did you report the harassment to any employer official or representative? (Yes) () no
If yes, indicate the following:

- a) Name of person Dan Hartnett
b) Job title Personnel Director - Cumberland Co.

c) Which acts of harassment did you report?

Sexual, Yelling, Screaming, Swearing - all that
enclosed in report.

d) When did you report this harassment?

April 3, 1997

e) Did you report this harassment orally or in writing?

Both.

f) If in writing, do you have a copy of the complaint?

Yes enclosed attached

g) What happened as a result of your complaint? copy enclosed attached

An internal investigation was undertaken until
July 11, 1997. Recommendation was totally dismissed
by judge because of past friendship with Mr. Graham
and his wife (who is a court stenographer and previously stenograph
for this judge) The judge told me the men have always
been "asshole" buddies and Mr. Graham is acting like
his "old man". No changes in the office. Mr. Graham
got 3 days on the street of his choice (2 being a weekend).

5. Other than as described in #4 above, did you tell any co-workers about any act or acts of harassment? If yes, provide the following information

a) Name/address/phone number of co-worker(s)

Debra Green 717-240-6270 Mark Galbraith 717-240-6266
 Kerry Houser 717-240-6283 Greg Miller 717-240-6266
 Bill Brandt 717-240-6266

b) Indicate which act or acts of harassment you mentioned and the date you mentioned the acts.

many witnessed the office incidents
 Other sexual harassment was disclosed early fall, 1996 - all incidents were eventually disclosed

c) When did you tell the person or persons?

Fall 1996

6. To the best of your knowledge, have any other current or former employees been subjected to similar harassment? If yes, provide the following for each such employee, adding extra pages if needed?

a) Name ^{FO} Kerry Houser, ^{FO} Debra Green, ^{FO} Bill Brandt

b) Job title

c) Address/phone number

Kerry - 717-240-6283
 Debra - " 6270
 Bill - " 6266

d) Description of harassment received

Sexual - Kerry - 1993 ongoing covertly where people are told not to talk to her - she is described by Mr Graham as being an angry divorced woman.

Unfair Treatment of Debra regarding office procedures usually in connection with me.

Bill Brandt - retaliation for testifying regarding Kerry Houser's complaint

e) Name and job title of each person doing the harassment

S Gareth Graham

Joseph Osenkarsti

f) Approximate date(s) of harassment

Kerry Houser - 1993 - present

Debra - 1996-1997

Bill Brandt - 1993 -

g) How are you aware that this other harassment occurred?

Directly being told by all parties & observation

HARASSMENT QUESTIONNAIRE (p. 2)

7. Were there any other witnesses to harassment? If so, provide the name and job title of each such witness, along with his/her telephone number and address if you know them, and indicate which incident(s) the individual witnessed.

Jen Crem	717-240-	6265	in office
Darby Christlieb	" "	6273	" "
Sara Miller	" "	6279	" "
Renna Boyles		7824	" "
Debra Green	" "	7270	" "

I declare under penalty of perjury that I have read the above statements and that they are true and correct.

Barbara E Vann

Signature

7/21/97

Date

*Security
lost*

on call

Exh 4

PA Human Relations Commission Use Only

Docket No. _____
EEOC No. _____
Social Security No. _____ / _____ / _____

PHRC can investigate complaints of discrimination in: (1) Employment based upon race, color, religion, ancestry, age (40 and above), sex, national origin, non-job related handicap or disability, known association with a handicapped or disabled individual, possession of a diploma based on passing a general education development test, or willingness or refusal to participate in abortion or sterilization; and (2) Public Accommodations based upon race, color, religion, sex, ancestry, national origin, handicap or disability, known association with a handicapped or disabled person, use of a guide or support animal due to blindness, deafness or physical handicap or because the user is a handler or trainer of such animals.

IN-4 FORM GENERAL QUESTIONNAIRE

Questionnaire on the incident you are complaining about.

Rev. 11-94

To avoid rewriting your answers, please read this short questionnaire from beginning to end before filling out your answers to individual questions. Please answer every applicable question as fully as possible, and to the best of your present knowledge, information and belief. If you are unsure of your answer, please say so. It is your responsibility to notify this Agency of a change of address or times of unavailability. Failure to notify this Agency may result in dismissal of the matter.

Name Barbara E. Varner
Address 5 Maple Dr
City Getters State Pa ZIP Code 17319
County York Telephone No. H (717) 938-9858 W (717) 240-6524
May we call you at work? Yes X No _____

Caution: Failure to correctly identify the name of the legal entity you are complaining about will hinder the processing of your complaint. Bring pay stubs, W-2 forms, contracts, etc. to aid in verification of the name and address.

Name of Organization your complaint is against:

Name Cumberland County Juvenile Probation
Address 1 Courthouse Square 3rd floor
City Carlisle State Pa ZIP Code 17013
Type of Business Probation office
County Cumberland Telephone No. 717-240-6265

Number of employees who work at the organization named above. Please check one.

Less than 4 _____ 15 to 100 X 201 to 500 _____ Unknown _____
4 to 14 _____ 101 to 200 _____ 501 plus _____

910049

IN-4 FORM

General Questionnaire

(page 2)

Name and address of person who will know how to contact you and who does not reside in your home.

Name Richard Spidle
 Address 211 E. Portland St
 City Mechanicsburg State Pa ZIP Code 17055
 Telephone No. H (717) 795-1877 W ()

In this Questionnaire, you will see the word "class" mentioned. Class means the person's race, sex, age, ancestry, religion and so on. Depending on the issues in the complaint, you may belong to two or more classes. For example, a Black female could belong to two classes: race/Black and sex/female. A White male could belong to race/White and sex/male. All persons named in the complaint or questionnaire should be identified by their class as follows: John Doe (White male), John Doe (under age 40), Jane Doe (Black female). For example, if your complaint is based on race, include the race of all persons mentioned. If it is a sex complaint, mention the sex of all persons mentioned.

1. **Discrimination means difference of treatment.** Please explain what happened to you and why you feel you were treated differently. In other words, what happened to persons of a different class that makes you feel they received more favorable treatment than you.

2 males - Administration arbitrarily moved my name lower on the seniority list - this affects future promotions (this was against the judge's ruling and occurred after the dept split into 2 dept. Juvenile / Adult) A younger male was moved above my name.
Unfair treatment of myself (48 yr female) & another female (3e) regarding travel guidelines and work directives. Supervisor screams, intimidates and constantly uses the word "Fuck" at me.
 2. If you believe the organization treated you this way because of one or more of the reasons listed below, please check those reasons. If you believe the employer treated you this way for a reason which is not listed, explain what you believe to be the reason.

<input checked="" type="checkbox"/> Sex	<input type="checkbox"/> Ancestry	<input checked="" type="checkbox"/> Age (40+) Date of Birth _____
<input type="checkbox"/> Race	<input type="checkbox"/> National Origin	<input type="checkbox"/> Use of guide dog or support animal
<input type="checkbox"/> Color	<input type="checkbox"/> GED	<input type="checkbox"/> Participation in/or refusal to participate in Abortion/Sterilization
<input type="checkbox"/> Religious Creed	<input checked="" type="checkbox"/> Retaliation	<input type="checkbox"/> Non-job related handicap/disability
		Identify your disability _____

3. Did you complain to management about the problem(s)? Identify the name and title of the person to whom you complained and describe what action was taken by management.

SGrowth Graham (supervisor - perpetrator) more problems resulted continued harassment.
Tue. Dsenkarski (chief) refused to get involved stating SGrowth Graham in charge.
President Judge Shelly said he would rectify seniority issue - nothing resolved.
Don Hartnett - personnel director - nothing resolved as of 5/14/97

IN-4 FORM

General Questionnaire

(page 3)

4. Has anyone else been treated as you were? Please list them and identify by Race, Sex, Age, etc.

Name

Race, Sex, Age, etc.

Debra GreenCauc F 30Kerry HouserCauc F 35

- 4a. What happened to him or her? Nothing. County is aware of this issue also

5. Name other people who have been treated differently. Please list them and identify their Race, Sex, Age, etc.

Name

Race, Sex, Age, etc.

Kerry HouserCauc. Female 35Debra GreenCauc Female 30

- 5a. What happened to him or her? Kerry Filed Sexual Harassment charges against her supervisor at the time J. Ozenkowski (male) handled internally - no charge for Mr. Ozenkowski - court punishment for Kerry and male who testified (Bill Brandt) occurred 1993

6. Because of the action taken against you, did you suffer any monetary loss or lose benefits. Please include any out-of-pocket expenses.

Small amount for legal bills (so far) 2500 - health wise I have suffered daily bouts of diarrhea, sleeplessness, nervous problems

- 6a. What have you done to make up for the loss(es) or benefit(s) you have listed above.

passed all information onto Personnel Director of the County (4/8/97)

910050

IN-4 FORM

General Questionnaire

(page 4)

7. Have you filed a complaint about this matter with any other commission or agency? If so, please specify the Commission or agency and the date you filed, to the best of your recollection.

Name of Agency or Commission Personnel Director Cumberland Co. Dan Hartnett

Date Filed April 8, 1997

Docket No. PA

8. Have you taken any court action regarding this matter? If so, please specify in what court and the date you filed, to the best of your recollection. No

Name of Court _____ Date Filed _____

City _____ County _____ State _____

If there are other facts you feel should be considered, record these on the last page of the questionnaire (Continuation Page).

I hereby verify that the statements contained in this complaint are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 PA.C.S. Section 4904, relating to unsworn falsification to authorities.

Barbara E. Vann

Signature

5/13/97

Date

5 Maple Dr

Address

Getters

Pa 17319

(717) 932-9858

City, State and ZIP Code

Telephone Number

CONTINUATION PAGE

For use if additional pages are needed to answer any question(s). Indicate the question number that is being answered before each response below.

Made a statement in regard to "Peter Meters" after I referenced a female's suicidal / PMS problems in a social history.

Opening & closing stated for approximately 10 mins that I have no Fucking Sense, Ability, Experience. (This was heard by most of the office and anybody who walked in the office) ^{*note I received a Commendable evaluation in 11/96}

Mr Ozonkowski made a statement regarding a young female intern's breasts in front of me calling them a good set of "Jehosbee's".

Mr Graham has constantly changed the procedures that I am to follow in regard to my case management. He has instructed me to follow the Sr Probation officers procedures. When I have done that he then changes his mind; He has verbally thrown me out of his office; thrown a wadded piece of paper at me in anger. He has threatened to write me up take me to see the judge (our boss) or the chief when I have said I didn't want to hear about his sex problems or disliked having "fuck" all the time or disliked being yelled at. I have been told to go back to doing social work if I can't take it.

Mr Graham has stated that I have to satisfy the victim, community and winking at me in regard to probation's response to crime. This was interpreted by me to mean sexual innuendos.

Mr Graham has banged on my hotel room door in Oct 1996 during a DUI conference. He called my room numerous times trying to get my attention and company which I refused. He became very angry at me. The harassment has escalated since that time and since Mr Graham was promoted to Supervisor in early fall 1996. Before he was a PO2 assigned to provide me with Training.

910051

Ech 5



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Philadelphia District Office

The Bourse, Suite 400
21 S. Fifth Street
Philadelphia, PA 19106-2515
PH: (215) 451-5800
TDD: (215) 451-5814
FAX: (215) 451-5804/5767

September 4, 1997

Our Reference: Varner vs. Cumberland County

Barbara E. Varner
5 Maple Drive
Etters, PA 17319

Dear Ms. Varner:

We have received the completed questionnaire(s) which you returned to this office. Your correspondence will now be assigned to the EEOC representative named below for completion of the intake processing. That representative will analyze the information in your questionnaire(s) and previous correspondence to determine whether your charge should be docketed by EEOC. You will be informed of the decision in this matter.

If it is determined that your charge is eligible for docketing, we will prepare a draft charge on an EEOC Charge Form and send that form to you for your review and approval or, if necessary, we will contact you by telephone and/or by letter to obtain additional information prior to preparing a draft charge. However, because of the volume of correspondence received by this office, there may be a delay before you are contacted.

Once a signed Charge Form is received, your charge will be docketed and will thereafter be forwarded to an Enforcement Unit for further EEOC processing.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Joan D. Gmitter".

Joan D. Gmitter
Charge Receipt Supervisor

910202



Equal Employment Opportunity Commission

Philadelphia District Office
The Bourse, Suite 400 21 S. Fifth Street
Philadelphia, PA 19106-2515

Exh 6

Respondent: Cumberland County
Charge No.: 170981689

Nov. 3, 1998

Ms. Barbara E Varner
5 Maple Drive
Etters, PA 17319

Dear Ms. Varner:

This is to acknowledge your charge of employment discrimination against the above respondent. The information you provided indicates that your charge is subject to:

- ☒ Title VII of the Civil Rights Act of 1964 (Title VII)
- ☒ The Age Discrimination in Employment Act (ADEA)
- ☐ The Americans with Disabilities Act (ADA)
- ☐ The Equal Pay Act (EPA)

The paragraph(s) checked below apply to your case:

- ☐ Please sign, date and return the enclosed Charge of Discrimination which was drafted from your correspondence.
- ☒ You need do nothing further at this time. We will contact you when we require further information or assistance. ☒ A copy of your charge or ☐ notice of your charge will be provided to the respondent within 10 days of our receipt of your charge as required by our procedures. Please refer to the above charge number whenever you contact us about your charge.
- ☐ We infer from your correspondence that you are hesitant to have your charge disclosed to the respondent. However, your legal rights may not be preserved unless the respondent receives timely notice of your charge. PLEASE CALL US IMMEDIATELY to discuss this matter.
- ☐ To arrange an interview, please call me during office hours (listed below). Please ask for me or, if I am busy, ask to speak to another member of the Intake Staff. If you have to call long distance, please call collect.

FILE COPY

910186

Ms. Barbara E Varner

Page Two

- [X] The Commission's regulations require that you notify this office of any change in address and keep us informed of any prolonged absence from your current address. Your failure to cooperate in this matter may lead to dismissal of your charge.
- [X] You should be aware that the Commission will provide a copy of your charge to the below listed agency in accordance with our procedures. If your charge is processed by that agency, you may be required to swear to or affirm your signature before a notary public or an official of the agency. Agency: Pennsylvania Human Relations Comm.
- [X] If your charge is investigated by the above agency, they will investigate and resolve your charge under their statute. Under section 1601.76 of EEOC's regulations, you are entitled to request that EEOC perform a Substantial Weight Review of the agency's final finding. To secure this review, you must request it in writing to this office within 15 days of your receipt of the agency's final finding in your case. Otherwise, we will generally adopt the agency's finding as EEOC's.

Sincerely,

Alfred L. Harris
Enforcement Manager

Office Hours: Monday - Friday, 8:00 - 4:30
Telephone :

910187

Exh 7

CH. 2 OF DISCRIMINATION

This form is affected by the Privacy Act of 1974; See Privacy Act Statement before completing this form.

AGENCY
☐ FEPA
☒ EEOC

CHARGE NUMBER
 170981689

Pennsylvania Human Relations Commission and EEOC
State or local Agency, if any

NAME (Indicate Mr., Ms., Mrs.)

Ms. Barbara E. Varner

HOME TELEPHONE (Include Area Code)

(717) 938-9858

STREET ADDRESS

CITY, STATE AND ZIP CODE

5 Maple Drive, Etters, PA 17319

DATE OF BIRTH

01/18/49

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY APPRENTICESHIP COMMITTEE
 STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one list below.)

NAME

Cumberland County

NUMBER OF EMPLOYEES, MEMBERS

Cat D (501+)

TELEPHONE (Include Area Code)

(717) 240-6265

STREET ADDRESS

CITY, STATE AND ZIP CODE

One Courthouse Square, Carlisle, PA 17013

COUNTY

041

NAME

TELEPHONE NUMBER (Include Area Code)

STREET ADDRESS

CITY, STATE AND ZIP CODE

COUNTY

CAUSE OF DISCRIMINATION BASED ON (Check appropriate box(es))

☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☒ AGE ☐ DISABILITY ☐ OTHER (Specify)

DATE DISCRIMINATION TOOK PLACE
 EARLIEST LATEST

11/20/96 / /

☒ CONTINUING ACTION

THE PARTICULARS ARE (If additional space is needed, attach extra sheet(s)):

See attached sheets.

Notarial Seal
 Jennifer L. Garner, Notary Public
 Camp Hill Boro, Cumberland County
 My Commission Expires Aug. 27 2001

☒ I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or telephone number and cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY (When necessary for State and Local Requirements)

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Barbara E Varner

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (Day, month, and year)

August 20, 1998

Date

Charging Party (Signature)

EEOC CHARGE NO. 170981689

The Particulars Are:

- I. On December 4, 1989 I was hired by Cumberland County as a Caseworker. On February 7, 1995, I was transferred as a Probation Officer I to the Cumberland County Probation Department. On or about November 20, 1996 to the present, I have been harassed and sexually harassed by S. Gareth Graham, Supervisor, and Joseph Osenkowski, Chief, more particularly as follows:
- a. On or about November 20, 1996, I gave my supervisor, Mr. Graham, a social history of a female juvenile with suicidal tendencies related to premenstrual problems. Mr. Graham responded: "Jesus Christ, do I need to get a peter meter in my office?" This was said to me in front of a male co-worker. The comment was degrading and humiliating to me as a female.
 - b. In January, 1996, Mr. Graham indicated an interest in me sexually by giving me an inappropriate and personal birthday card and by inappropriate touching. On May 1, 1996, Mr. Graham appeared uninvited at night at my home. Mr. Graham knocked on my hotel room door requesting entrance and called my room repeatedly during a training session at Penn State October 21-23, 1996. When I showed a lack of interest in his sexual overtures, his attitude toward me became more hostile.
 - c. On several occasions, Mr. Graham has told me explicit stories regarding his "sexual problems" with his wife who works as a stenographer for Cumberland County Courts. For example, while traveling on a business trip with me on December 11, 1996, he discussed his wife's masturbation habits and her refusal to have sex with him. He told me he would keep a calendar of these events and threatened to "get even" with her. I suggested counseling for him and his wife. He immediately denied any need for counseling, started screaming about it, and began to drive the vehicle at a very high rate of speed which frightened me. Mr. Graham would brag about smashing his wife's figurine collection against their fireplace and destroying her birthday cake in front of his young daughters to "punish her." I felt this was a message to me that he would retaliate against me.
 - d. Mr. Graham has told me not to talk to another female probation officer, Kerry (Vohs) Houser, who had previously brought sexual harassment charges against Mr. Osenkowski.

910179

EEOC CHARGE NO. 170981689

e. Mr. Graham told me that my seniority and promotional possibilities are not based on seniority alone, but on the need to "satisfy" all parties involved. He said this with a suggestive smile and while he was making other sexual innuendoes.

f. Both Mr. Graham and Mr. Osenkarski continually call attention to my gender and make inappropriate comments about other females. For example, Mr. Graham has made comments to me about how dark he believes a young female's "bush" is. On or about April 7, 1997, Mr. Osenkarski made a comment in front of me about a young female intern's breasts: that she had a nice set of "jahoobee's".

g. When I have told Mr. Graham that I do not want to hear his sexual comments and that I find the "f" word offensive, he told me that if I can't take it I can go back to doing social work (my former job).

h. When I followed the chain of command and went to Mr. Osenkarski, Mr. Graham's supervisor, to complain about the treatment, I was told by Mr. Osenkarski that he does not want to get involved. He told me that he has put his "F----- 35 years in and now Mr. Graham is in charge."

i. After I rebuffed Mr. Graham's overtures, he retaliated against me in the following manner:

1. Mr. Graham has screamed at me numerous times, most notably on occasions from December 1996 through May, 1997 and embarrassed me in front of co-workers. He physically moves toward me in an aggressive manner. On April 16, 1997, he threw wadded paper at me. He frequently points in my face, most notably in an incident February 2, 1997. He told me directly that he and Mr. Osenkarski "punish" people who do not comply with what they demand or who fall out of favor with them.

2. On April 4, 1997, in front of the entire office, with members of the public present, Mr. Graham stated loudly that I have no "f----- sense, no f----- training, and no f----- ability." On most occasions when he screams at me, he uses the "f" word in direct address to me.

3. Prior to September 9, 1996, seniority lists used total number of years employed by the county. Because I was hired while this was the policy, I was told that I would receive the benefit of this provision. New hires would get seniority only for time in

EEOC CHARGE NO. 170981689

the Probation Department. I am the only person who has not been given the benefit of county seniority. Bill Brandt (male, aged late-20's) was moved ahead of me on the seniority list although I had more county seniority time than he. In March, 1998, Mr. Brandt was promoted ahead of me. After I complained, Mr. Brandt's promotion was taken down and we both got promoted in June, 1998. I was told that Mr. Brandt is male and "would eventually have a family" so he would need the money more than me. Although other male Probation Officers (e.g. Lyle Herr, Mike Peiper, and Gary Graham) have been given the benefit of the county-wide seniority, I have not. On the posted seniority list, Mr. Brandt is still ahead of me. If another promotion becomes available, Brandt will have more seniority than me.

4. I have been accused of having lied about a delay in returning from a business trip with another female probation officer because we had to drive through fog. Although the other female confirmed the facts, we were both docked pay and subjected to restrictions not placed on the other male probation officers.

5. Male Probation Officers may leave on juvenile commitment trips at any time throughout the day. Mr. Graham has enforced an 8:00 a.m. leaving time for myself and the other female probation officers. Female Probation Officer are not subject to the same rules as the male Probation Officers.

6. I was told by Mr. Graham in January, 1997 that all divorced females are angry at men. In April, 1997, Mr. Graham told my coworkers the same thing. I am a divorced female.

II. On April 8, 1997, I complained about Mr. Graham and Mr. Osenkarski to Dan Hartnett, Cumberland County Personnel and Human Resources Director. I made specific reference to harassment and sexual harassment. On April 25, 1997, I wrote an extensive memorandum entitled "Harassment/Discrimination in Cumberland County Probation Department." Although I was told that an internal investigation had been done, the recommendation that some action be taken against Mr. Graham was rejected by President Judge Harold Sheely. I believe that this is because of his past friendships with Mr. Graham. I was told by Judge Sheely that Mr. Graham and Mr. Osenkarski have been "asshole buddies" for years. Judge Sheely accused me of having an affair with Mr. Graham, which is totally untrue. Although Mr. Graham received a short "disciplinary" suspension, I believe that he lost no pay. No one dealt specifically with the issues of harassment or sex discrimination. Mr. Graham has threatened to retaliate against persons who were interviewed during the "investigation."

EEOC CHARGE NO. 170981689

a. I continue to be treated differently because of my sex, female, and I am in constant fear of reprisal and physical harm.

b. On October 27, 1997, during a training session on Sexual Harassment in the Workplace, Mr. Graham positioned himself in a manner that allowed him to glare and stare at me with narrowed eyes.

c. On November 3, 1997, I was walking toward the courthouse. Mrs. Graham exited her car and walked toward me, stopping in the street. She stood at the curb glaring at me with narrowed eyes and clenched teeth and remained until I was directly in front of her. I felt physically threatened.

d. On December 4, 1997, I was waiting outside the courtroom when Mrs. Graham walked toward me narrowing her eyes and clenching her teeth.

e. On several occasions, Mr. Graham has walked directly at me, only moving aside when he was a few steps away. I am afraid for my physical safety as long as Mr. Graham is permitted to be near me.

f. On March 3, 1998 I was walking from my parking lot to the Courthouse. As I walked around the corner of a building, I was confronted by Mr. and Mrs. Graham. Mrs. Graham was on the outside of the street. I attempted to walk around her when she forcefully bumped into me.

g. On May 22, 1998, I was exiting my car in the parking lot. Mrs. Graham was parking her car behind mine. She walked up to within two or three steps behind me and stayed in that position for the entire walk into the building.

III. I have been discriminated against because of my age (Date of Birth: January 18, 1949) in that Mr. Graham informed me that he had no plans to hire any more "middle aged females."

IV. I complained on June 4, 1997, December 23, 1997, February 4, 1998, March 3, 1998, March 31, 1998, and June 1, 1998 in writing and numerous times verbally about continued threatening actions by Mr. and Mrs. Graham and continued discrimination to the Personnel and Human Relations Director. After these complaints, I have been retaliated against.

EEOC CHARGE NO. 170981689

a. President Judge Sheely asked me in December, 1997 why I went to the Personnel Director with my complaints and suggested that I should not continue to make my complaints to Personnel. He told me that I would just have to "put up with it."

b. After my complaints about Mrs. Graham, on May 26, 1998 I was restricted by now President Judge George Hoffer from going into the probation offices in the third floor east wing of the courthouse, a location where I need to be to do my job. To the best of my knowledge, Mrs. Graham has not been restricted in her movements.

c. In March, 1998, Mr. Graham was moved to the Adult Probation Department and Mr. Thomas Boyer became the new supervisor of the Juvenile Probation Department, joined later by Mr. Henry Thielmann as a second supervisor. I continue to be treated differently from other male probation officers.

V. I have been suffering physical symptoms of stress which have caused me to seek medical treatment. I have sought counseling in order to try to cope with the constant tension in the workplace. I am embarrassed and humiliated by the way I have been treated by my employer, particularly after making complaints which were confirmed by my co-workers.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
Philadelphia District Office

21 South 5th Street, Suite 400
Philadelphia, PA 19106-2515
(215) 451-5800
TTY (215) 451-5814
FAX (215) 451-5804, 5767 & 5838

Barbara Varner
5 Maple Drive
Etters, PA 17319

Charging Party

v.

Charge Number 170981689

Cumberland County Probation Dept.
One Courthouse Square
Carlisle, PA 17013

Respondent

NOTICE OF CONCILIATION FAILURE

The Equal Employment Opportunity Commission (EEOC) has determined that its efforts to conciliate this charge filed under Title VII of the Civil Rights Act of 1964, as amended (Title VII), have been unsuccessful. Title VII requires that a federal government suit against a state or local agency must be brought by the U.S. Department of Justice (DOJ). The charge file will be referred to the DOJ for review to determine whether the U.S. Government will file suit on behalf of the Charging Party.

If the DOJ decides to bring a lawsuit on behalf of the Charging Party under Title VII, the Charging Party will have the right to seek to intervene in such an action. If the DOJ decides that it will not bring a civil action based on this charge, it will issue the Charging Party a Notice of Right to Sue. This would enable Charging Party to sue the Respondent in Federal District Court on his own behalf provided that the suit is filed within 90 days of receipt of that Notice.

If you have any further questions in this matter, you may write to the Department of Justice at the following address:

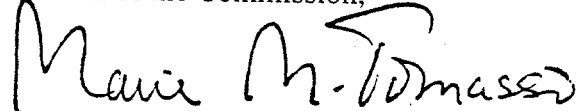
Chief, Employment Litigation Section
Civil Rights Division
U.S. Department of Justice
Washington, DC 20530

Please refer to the charge number and case heading shown above if you write to the Department of Justice.

910163

It is requested that where suit is filed that the Charging Party notify EEOC at the above address by letter and copy of the complaint.

On behalf of the Commission,



Marie M. Tomasso
District Director

11-20-00

Date

cc: Debra K. Wallet, Esq. (For Charging Party)
Paul J. Dellasega, Esq. (For Respondent)

910164

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA E. VARNER,
Plaintiff

v.

COMMONWEALTH OF PENNSYLVANIA,
NINTH JUDICIAL DISTRICT,
CUMBERLAND COUNTY,

and

CUMBERLAND COUNTY

and

S. GARETH GRAHAM, individually

and

JOSEPH OSENKARSKI, individually,
Defendants

CIVIL ACTION
NO: 1:CV 01-0725

JURY TRIAL DEMANDED

Judge Yvette Kane

PROOF OF SERVICE

I, Debra K. Wallet, Esquire, hereby certify that on November 16, 2001, I served by regular first class mail, postage prepaid, a true and correct copy of the attached **PLAINTIFF'S STATEMENT OF MATERIAL FACTS IN OPPOSITION TO COURT DEFENDANT'S MOTION FOR SUMMARY JUDGMENT** addressed as follows:

James K. Thomas, II, Esq.
Paul J. Dellasega, Esq.
THOMAS, THOMAS & HAFER, LLP
305 North Front St., 6th Floor
P.O. Box 999
Harrisburg, PA 17108

A. Taylor Williams, Esquire
Administrative Office of Pennsylvania Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102

John Gerard Devlin, Esquire
JOHN GERARD DEVLIN & ASSOCIATES, P.C.
100 Pine Street, Suite 260
Harrisburg, PA 17101

Debra K. Wallet
Debra K. Wallet, Esq.
24 N. 32nd Street
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(717) 737-1300
I.D. #23989